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Arizona Department of Education  
Office of Superintendent of Public Instruction John Huppenthal

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**For Immediate Release**

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## **Court rules in favor of Superintendent in Flores case**

(*Phoenix, Ariz. – March 29, 2013*). Today the US District Court for the District of Arizona issued an order granting the superintendent’s motion to dismiss the plaintiff’s statewide claims and vacating the 2000 judgment in Flores v. Arizona. In issuing this order, the court has reaffirmed that the state has tremendous discretion and flexibility to design programs that meet local needs. And this opinion affirms that the structured English immersion (SEI ) and the four-hour model are valid educational theories and acceptably meet the needs of our English language learners.

“This ruling validates that we’ve made great improvements in English language instruction since 1992,” said Superintendent of Public Instruction John Huppenthal. “We believe our current approach represents the best in education research and this order seems to validate this. The department is committed to ensure that all non-English speaking students learn English as quickly as possible so they can participate fully in their education.”

This is the latest court ruling in an issue that began in 1992, when the state was sued by parents in the Nogales school district asserting the state failed to provide adequate ELL instruction in the Nogales Unified School District, in violation of the Equal Educational Opportunities Act of 1974. EEOA requires states to take “appropriate action to overcome language barriers” in schools.

In 2000, the court found that the state violated EEOA because of inadequate funding to provide sufficient ELL instruction. The court applied this ruling statewide.

In 2006 the state filed a motion to vacate judgment based upon the significant improvements in programming and funding. Outcomes for ELL students demonstrated improvement.

In January 2011, the most recent trial concluded. During this trial, the state offered evidence to support its claim that its programs, which included SEI, met the state's responsibility to provide adequate instruction under EEOA.

It was not until today that the court ruled, finding that the state had indeed met its obligation and noted that the state has the flexibility to provide ELL instruction that meets the goals of the EEOA.

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